

COMMONWEALTH OF VIRGINIA

Emergency Operations Plan



Continuity of Government & Continuity of Operations Volume II Support Annex 1

Virginia Department of Emergency Management

January 2010

CONTINUITY OF GOVERNMENT AND CONTINUITY OF OPERATIONS PLAN

A. Purpose

1. This Continuity of Government (COG) and Continuity of Operations (COOP) Support Annex describes the coordinating processes used to ensure the survivability of state-level constitutional government, its essential governmental functions including essential emergency management program functions, and the preservation of essential facilities, equipment and records during an emergency.
2. This annex provides guidance on the preparedness, response, recovery and mitigation roles and responsibilities for COG/COOP incident management. This guidance applies to all executive branch agencies of state government.

B. Situation Overview and Assumptions

1. As stated in the COVEOP Basic Plan: Agency continuity of operations (COOP) plans address an agency's ability to continue its essential functions in the event of a disruption. Plans include vital equipment, orders of succession and lines of authority. They also address the procedures for protecting, maintaining and restoring their essential functions, including those that are critical to emergency response and recovery operations.
2. An emergency can strike at any time, with or without warning, and may disrupt the continuity of government in the Commonwealth of Virginia.
3. An emergency may result in the incapacitation of government leadership thereby requiring the need for succession.
4. Acts of terrorism and natural disasters may threaten the functional capability of constitutional government through the potential destruction of or harm to government personnel, facilities, critical systems, resources, and vital records.
5. In order to ensure continuity of government and the uninterrupted provision of essential governmental functions, contingency plans must be developed that will provide for the continued protection and safety of the population and bring about the prompt and orderly restoration and recovery of public and private property and services.
6. An emergency may necessitate the relocation or sheltering in place of key government officials and their staffs.
7. Each executive branch agency will include emergency preparedness planning, training and promotion as a core component of their mission, and strategic planning performance process.
8. Each agency with responsibilities within this COOP/COG annex has an executable COOP plan.
9. Alternate facilities for COG plan activation have been identified.

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C. Concept of Operations

1. Organizational structure

- In accordance with individual agency COOP plans in support of the COG plan and the COVEOP Basic Plan, issues are resolved at the lowest level possible. If issues cannot be resolved at that level, they are forwarded accordingly to the next level.
- VDEM is responsible for coordinating all incident management operations related to and maintaining situational awareness of the COG event.

2. Constitutional Succession

Succession of constitutional authority, described below, is an essential element to the continuity of government.

a. Executive Branch –

- The Governor is the chief executive officer of the Commonwealth of Virginia. The executive administrative powers of the Governor's office are detailed in Article V, Section 7, of the Constitution of Virginia. The Governor's legislative responsibilities are described under Article V, Section 5.
- In time of natural or man-made disasters, the Governor, who serves as the State Director of Emergency Management, assumes additional powers as described in Section 44-146.17 of the Virginia Emergency Services and Disaster Law of 2000, as amended. The Governor is assisted by the State Coordinator of Emergency Management.
- The Lieutenant Governor serves as the President of the senate when the General Assembly is in session.
- The Attorney General of the Commonwealth is the chief executive officer of the Department of Law. The chief Deputy Attorney General would serve as the acting Attorney General if a vacancy occurs solely within the office of the Attorney General (Section 2.2-501, Code of Virginia) until such time as the position is filled according to the procedures set forth in Section 24.2-213 of the Code of Virginia.
- Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Delegates his/her written declaration that he/she is unable to discharge the powers and duties of his/her office, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor.
- In the case of the removal of the Governor from office or in the case of his/her disqualification, death, or resignation, the Lieutenant Governor shall become Governor.
- If a vacancy exists in the office of Lieutenant Governor when the Lieutenant Governor is to succeed to the office of Governor or to serve as Acting Governor, the Attorney General, if he/she is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor.

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- If the Attorney General is ineligible to serve as Governor, the Speaker of the House of Delegates, if he/she is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor.
- If a vacancy exists in the office of the Speaker of the House of Delegates or if the Speaker of the House of Delegates is ineligible to serve as Governor, the House of Delegates shall convene and fill the vacancy.
- In the event of an emergency or enemy attack upon the soil of Virginia and a resulting inability of the House of Delegates to convene to fill the vacancy, the Speaker of the House, the person designated to act in his/her stead as prescribed in the Rules of the House of Delegates, the President pro tempore of the Senate, or the majority leader of the Senate, in that designated order, shall serve as Acting Governor until such time as the House of Delegates convenes to elect a Governor.
- The Governor has secretaries and other cabinet level officers to assist him/her in managing the executive branch. Cabinet level officers, as well as all state agency and department officials, will designate by title, specifying order of succession, no less than three emergency successors in the event their position becomes vacant or they cannot carry out the duties of their office. These successors will have full authority to discharge the duties and exercise all powers associated with the position assumed until such time as the position is filled in accordance with state laws and policies.

b. Legislative Branch

- The legislative branch of state government, which is comprised of the General Assembly and its supporting commissions and divisions, should be preserved and maintained in order to support the system of checks and balances among the other branches of government.
- If the General Assembly cannot meet safely in Richmond, or the place to which it has adjourned because of a public enemy or for any other cause, the Governor may designate another location, of which, he shall give notice by proclamation (Code of Virginia, Section 30-2).
- A special session of the General Assembly can also be convened upon application of two thirds of its members elected to each house. If the Governor declares by proclamation that a quorum cannot be convened because of enemy attack, a smaller number may meet and may, notwithstanding any other provisions of the Constitution, enact legislation.
- The House of Delegates shall choose its own speaker.
- In the absence of the Lieutenant Governor, or when he shall exercise the office of Governor, the Senate shall choose a president pro tempore from its own body.
- Laws may be put into immediate effect in the case of an emergency.

c. Judicial Branch

- The judicial branch of government is comprised of four courts: the Supreme Court, Court of Appeals, Circuit Courts, and District Courts. The Supreme Court, which is the highest

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court in the judicial system, determines the constitutionality of laws, as well as whether the laws are being applied and interpreted properly. The Supreme Court has seven justices; a quorum is formed by the convening of any four of these justices.

- The justices are selected by a majority vote of both houses of the General Assembly. If a vacancy occurs while the General Assembly is not in session, the Governor has the authority to appoint a successor who will serve until 30 days after the commencement of the next General Assembly session.
 - The Supreme Court conducts their sessions in Richmond. The Governor can designate an alternate location whenever circumstances would prohibit the session to be held at the appointed place.
 - The justice longest in continuous service is the Chief Justice. If two or more justices have served for the same period, the senior in years shall be Chief Justice. Succession to the Chief Justice would be the justice with the next longest continuous service.
 - The Court of Appeals, Circuit Courts, and District Courts will also be maintained. All vacancies will be filled immediately according to established procedures.
3. Notification: The Virginia Department of Emergency Management (VDEM) maintains the 24 hour per day state warning point and through coordination with the Virginia Fusion Center and Virginia State Police, will advise the Governor of real events or threats.
 4. Activation: This annex is activated by a Declaration of Emergency from the Governor as part of the COVEOP and functions in concert with the policies and procedures noted in the Basic Plan and all supporting ESFs and annexes.
 5. Alternate facility locations: Have been designated and will be determined by the Office of the Governor and VDEM at the time of the event due to the specific nature of the event. Alternate facilities for COG events focus on facilities that enable the immediate resumption of primary essential government functions. Additional business functions and alternate facilities to perform same are addressed in agency specific COOP plans.
 6. Transportation: In accordance with ESF #1 in the COVEOP, emergency transportation requirements will be coordinated by VDOT, the lead agency for ESF #1.
 7. Public Safety: In accordance with ESF #13 in the COVEOP, emergency public safety issues will be coordinated by the Virginia State Police, within which resides the Executive Protection Unit (which provides protection for the Governor and his/her family), in cooperation with the Virginia Capitol Police.
 8. Communications: In accordance with ESF #2 in the COVEOP, emergency communications will be coordinated by VDEM in conjunction with VITA with regard to processes and equipment required to maintain emergency communications.
 9. Public Information: In accordance with ESF #15 in the COVEOP, VDEM is responsible for coordinating and providing public information from the Joint Information Center (JIC) in the

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Virginia Emergency Operations Center (VEOC). Resources will be available to provide information to applicable audiences. All branches of government will be represented in the JIC.

10. Vital Records: Virginia State Library – Library personnel shall be responsible for coordinating emergency recovery operations when public records are affected. All agencies are required to address vital records protection in their agency COOP plans.
11. Continuity of Operations : All Executive Branch Agencies are required to have a COOP plan which enables or requires them to:
 - 1) Implement their COOP plans with and without warning.
 - 2) Be operational not later than 12 hours after activation.
 - 3) Be capable of maintaining sustained operations for up to 30 days.
 - 4) Include regularly scheduled testing, training and exercising of personnel, equipment, systems, processes and procedures.
 - 5) Locate alternate facilities in areas where the ability to initiate, maintain and terminate COOP is optimal.
 - 6) Take advantage of existing agency field infrastructures and make uses of other options, such as telecommuting, work-at-home and shared facilities.
 - 7) Consider the distance of alternate facilities from the primary facility.

D. Organization and Assignment of Responsibilities

In accordance with Virginia Emergency Services and Disaster Laws §44-146.24. “...*the Governor, the heads of state agencies, the local directors and governing bodies of the political subdivisions of the Commonwealth are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the Commonwealth and the political subdivisions thereof to the maximum extent practicable consistent with state and local emergency operation plans. The officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Governor and to the State Department of Emergency Management upon request.*”

Agencies with operational responsibilities include, but are not limited to:

1. Virginia Department of Emergency Management –
 - Coordinates the preparedness for, response to, and recovery from a COG event
 - Coordinates all incident management activities with the Virginia Emergency Response Team (VERT)
 - Coordinates with external agencies to include federal, local and other states
 - During routine operations, receives and disseminates reports through the warning point of disruptive events at state owned or leased facilities which impair the ability of agencies located within the affected facilities to continue operations.
 - During augmentation of the VEOC for emergency operations, the VERT Coordinator or designated representative, may activate the COG/COOP Disaster Readiness Group
 - Manages COG integration with the overall emergency management program
 - Manages ongoing COG exercises and testing

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2. COG/COOP Disaster Readiness Group – During augmentation of the VEOC, the Disaster Readiness Group functions within the Operations Section of the VERT and is staffed with representatives from the Coordinating and Cooperating Agencies. This group:
 - Monitors and reports the capability of state agencies/facilities to provide essential functions and service immediately prior to, during and immediately after a disruptive event, emergency or disaster.
 - Coordinates execution of COG and COOP plans activated by agencies and governmental complexes (tactical planning).
 - Manages and coordinates inter-agency dependencies during response and recovery operations to include allocation of resources and prioritization for restoration of information technology (IT) services in accordance with Disaster Recovery Plans.
3. Executive Branch Agencies –
 - Notify the VEOC (State Warning Point) of an event impacting their facilities, systems or personnel which may result in a diminished capacity to perform essential functions or require relocation to an alternate facility.
 - Provide initial and updated damage assessments and situation reports as required by the COG/COOP Disaster Readiness Group, VEOC.
4. Virginia State Police – those responsibilities listed in accordance with ESF #13 in the COVEOP, Terrorism Consequence Management plan, or other internal plans or procedures applicable to the COG event.
5. Virginia Department of Transportation (VDOT) – those responsibilities listed in accordance with ESF #1 or the VDOT Emergency Operations Plan (EOP) applicable to the COG event.
6. Capitol Police – provide security in the Richmond Capitol area during an event that might cause agency COOP and/or COG plans to be enacted.
10. Virginia Information and Technology Agency - those responsibilities listed in accordance with ESF #2 in the COVEOP or other internal plans and procedures applicable to the COG event. Assist executive branch agencies with completion of IT disaster recovery plans; provide IT systems back-up options to executive branch agency clients; maintenance of security standard requirements for use by state agencies.

E. Authorities and References

- Article IV Legislature, Section 8, of the Constitution of Virginia
- Article V Executive, Section 16, of the Constitution of Virginia
- Article VI Judiciary, Sections 1-5 or the Constitution of Virginia
- The Commonwealth of Virginia Emergency Services and Disaster Laws
- Executive Order 44 (2007) Establishing Preparedness Initiatives in State Government
- SEC2001-01.1, Information Technology Standard
- COV ITRMSEC519-00 Information Security Policy
- COV ITRM SEC 501-01 Information Security Standard
- Risk Management Guideline SEC506-01
- Risk Assessment Instructions Appendix D SEC506-01
- VDEM COOP Planning Manual and Toolkit

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- VEOC SOP